

Cert. den. 338 U. S. 911 (1950) ; *Alberty Food Products v. United States*, 185 F. 2d 321 (9 Cir. 1950) ; *United States v. El-O-Pathic Pharmacy*, 192 F. 2d 62, 77 (9 Cir. 1951).

"*Judgment affirmed.*"

3664. Alleged misbranding of Kordel-E capsules, Aminex tablets, Fero-B-Plex tablets, and Garlic Plus tablets. U. S. v. 1 Case, etc. (F. D. C. No. 27269. Sample Nos. 57736-K, 57737-K, 57741-K, 57743-K.)

LIBEL FILED: May 26, 1949, Southern District of California ; amended libel filed June 2, 1949.

ALLEGED SHIPMENT: On or about July 30, 1948, to April 7, 1949, from Chicago, Ill.

PRODUCT: 1 case of 36 30-capsule boxes of *Kordel-E capsules*, 1 case of 20 100-tablet boxes of *Aminex tablets*, 1 case of 29 90-tablet boxes of *Fero-B-Plex tablets*, and 96 50-tablet boxes of *Garlic Plus tablets*; at Los Angeles, Calif.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use since it did not state the diseases or conditions of the body for which the articles when used as directed would be effective. The products were alleged to be misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: *Lelord Kordel* appeared as claimant and filed an answer to the libel. Thereafter, on February 29, 1952, upon stipulation by the parties that the case presented no question for adjudication for the reason that the products under seizure had deteriorated and become unmarketable, and without any finding by the court on any issue of fact or law and with the consent of the parties, judgment was entered ordering that the products be destroyed.

3665. Misbranding of amphetamine sulfate tablets and Seconal Sodium capsules. U. S. v. *Enos A. Hilterbrand* (*Live Oak Pharmacy*). Plea of guilty. Sentence of 2 years in prison. (F. D. C. No. 31258. Sample Nos. 20962-L, 20963-L.)

INFORMATION FILED: September 17, 1951, Northern District of Texas, against *Enos A. Hilterbrand*, trading as *Live Oak Pharmacy*, Dallas, Tex.

INTERSTATE SHIPMENT: From the States of New Jersey and Indiana into the State of Texas, of quantities of *amphetamine sulfate tablets* and *Seconal Sodium capsules*.

ALLEGED VIOLATION: On or about May 30, 1951, while the drugs were being held for sale at the *Live Oak Pharmacy* after shipment in interstate commerce, various quantities of the drugs were repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *amphetamine sulfate tablets* and the *Seconal Sodium capsules* failed to bear labels contain-